

WEDNESDAY, APRIL 1, 1981
TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Herman Wolfe of Hardin County.

Representative Wolfe led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

The Speaker announced that Representative Moore was excused because of business.

The Speaker announced that Representative Martin was excused because of business.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

558—To regulate proceedings, Alcoholic Beverage Commission;

560—To amend Section 57-4-203(h), Code;

566—To amend Title 12, Chapter 2, Code;

574—To amend Section 2706, Title 67, Code;

833—To provide proceeds, humane treatment, animals;

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1243—To issue special license plates, Probate Court judges, certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.

99—Relative to congratulating Coach Cornelius Ridley and boys basketball team; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 57, 58, 74, 146, 149, 159, 165, 317, 366, 376, 426, 740, 1161 and 1201; also, House Joint Resolutions Nos. 124 and 137; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 4, 99, 177, 369, 538, 549 and 1000; House Resolutions Nos. 15 and 16; and House Joint Resolutions Nos. 87 and 152; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 4, 99, 177, 369, 538, 549 and 1000; House Resolutions Nos. 15 and 16; House Joint Resolutions Nos. 87 and 152.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 152; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 57, 58, 74, 146, 149, 159, 165, 317, 366, 376, 426,

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740, 1161 and 1201; and House Joint Resolutions Nos. 124, 137 and 152; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 47, 214, 356; House Joint Resolution No. 152 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 64, 230, 782, 918, 1009 and 1098; also, Senate Joint Resolution No. 59; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 64, 230, 782, 918, 1009 and 1098; Senate Joint Resolution No. 59.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 211, 279, 378, 447, 473 and 1241; and Senate Joint Resolutions Nos. 67, 68, 69, 70, 71, 72, 74 and 92, all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 211, 279, 378, 447, 473 and 1241; Senate Joint Resolutions Nos. 67, 68, 69, 70, 71, 72, 74 and 92.

STANDING COMMITTEE REPORT

AGRICULTURE

MR. SPEAKER: Your Committee on Agriculture begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 413 (with amendment), 1244; and Senate Joint Resolution No. 58.

PICKERING, *Chairman.*

Under the rules, House Bills Nos. 413 and 1244, and Senate Joint Resolution No. 58 were transmitted to the Committee on Calendar and Rules.

Mr. DePriest moved that Senate Joint Resolution No. 58 be recalled from the Committee on Calendar and Rules, which motion prevailed.

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Mr. DePriest moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 58 out of order, which motion prevailed.

Senate Joint Resolution No. 58—Relative to naming Agricultural Museum, Oscar L. Farris.

Mr. DePriest moved that Senate Joint Resolution No. 58 be concurred in, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

CALENDAR

On motion of Mr. Kelley, House Bill No. 1055 was withdrawn from the House.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 953—To make provisions, withdrawal of candidate for office.

Mr. Yelton moved that House Bill No. 953 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	4
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were: Bell (Knox), Crain, Duncan and Montgomery—4.

Representatives present and not voting were: Frensley and Stafford—2.

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A motion to reconsider was tabled.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 161 out of order, which motion prevailed.

House Joint Resolution No. 161—Relative to memorializing William L. Jones—By Burnett, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Burnett, the resolution was adopted.

A motion to reconsider was tabled.

House Bill No. 613—To make certain provisions, unemployment compensation.

Mr. Smith moved that House Bill No. 613 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 420—To make certain provisions, board of claims.

On motion, House Bill No. 420 was made to conform with Senate Bill No. 568.

On motion, Senate Bill No. 568, on same subject, was substituted for House Bill No. 420.

Mr. Bragg moved that Senate Bill No. 568 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 524—To appropriate funds, cystic fibrosis.

On motion, House Bill No. 524 was made to conform with Senate Bill No. 448.

On motion, Senate Bill No. 448, on same subject, was substituted for House Bill No. 524.

Mr. Bragg moved that Senate Bill No. 448 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 448 by deleting Section 2 in its entirety and substituting instead the following language:

SECTION 2. This act shall not become effective unless funds are appropriated in the general appropriations act to effectuate the purposes of this act.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 448, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Representative voting no was: Stafford—1.

A motion to reconsider was tabled.

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House Bill No. 767—To regulate printing and distribution, certain publications.

On motion, House Bill No. 767 was made to conform with Senate Bill No. 620.

On motion, Senate Bill No. 620, on same subject, was substituted for House Bill No. 767.

Mr. Bragg moved that Senate Bill No. 620 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 620 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

“, which shall be delivered to such member’s legislative office in Nashville.”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 620, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 772—To make certain provisions, service of process.

Mr. Bragg moved that House Bill No. 772 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner,

Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 734—To provide for funding, certain state mandated programs.

Mr. Copeland moved that House Bill No. 734 be passed on third and final consideration.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 734 by deleting Section 1 in its entirety and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 9-6-302, is amended by adding at the end of the section the following language:

The state's share of the cost shall be borne from sources other than those set forth in Tennessee Code Annotated, Section 9-6-301.

On motion, the amendment was adopted.

Thereupon, House Bill No. 734, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 37—To increase well drilling fees.

On motion, House Bill No. 37 was made to conform with Senate Bill No. 42.

On motion, Senate Bill No. 42, on same subject, was substituted for House Bill No. 37.

Mr. Miller moved that Senate Bill No. 42 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 38—To regulate severance tax, oil and gas.

On motion, House Bill No. 38 was made to conform with Senate Bill No. 43.

On motion, Senate Bill No. 43, on same subject, was substituted for House Bill No. 38.

Mr. Miller moved that Senate Bill No. 43 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 295—To adjust salaries of judges, justices and chancellors.

On motion, House Bill No. 295 was made to conform with Senate Bill No. 469.

On motion, Senate Bill No. 469, on same subject, was substituted for House Bill No. 295.

Mr. Rhinehart moved that Senate Bill No. 469 be passed on third and final consideration.

Mr. Carter moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 469

Division No. 1

by deleting in the first paragraph of the amendatory language of Section 1 the words and figures "sixty thousand dollars (\$60,000)" and by substituting instead the words and figures "fifty-five thousand dollars (\$55,000)".

AND FURTHER AMEND by deleting the second and third paragraphs of the amendatory language of Section 1 in their entirety and by substituting instead the following:

Division No. 2

On July 1, 1983, the base salaries fixed herein shall be adjusted in accordance with the provisions of this section to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States Department of Labor, Bureau of Labor Statistics, between the figure for the calendar year 1982 and the calendar year 1981. Each succeeding July 1, a similar adjustment shall be made to the salaries, as adjusted, based upon the percent of change in the average consumer price index between the two (2) calendar years preceding July 1 of the year in which the adjustment is made. The adjustment authorized in this paragraph shall be computed in the following manner:

- (1) no adjustment shall be made for a change of from zero percent (0%) to less than five percent (5%) in such consumer price index;
- (2) an adjustment of from one percent (1%) to five percent (5%) shall be made for a corresponding change of from five percent (5%) to ten percent (10%) in such consumer price index in the ratio of one to one (1:1) for each one percent (1%), or major fraction thereof, of such change; and
- (3) no adjustment shall exceed five percent (5%).

Mr. Copeland requested a division of the question on Amendment No. 1.

Mr. Rhinehart moved that Division No. 1 of Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	48
Noes	44
Present and not voting	4

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bivens, Burnett, Clark (Davidson), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, Disspayne, Duer, Ellis, Gaia, Henry (Blount), Henry (Roane), Hillis, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Shirley, Spence, Stallings, Tanner, Withers, Wix, Wolfe, Work, and Mr. Speaker McWherter—48.

Representatives voting no were: Bewley, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Pickett), Dills, Duncan, Ford, Frensley, Gill, Harrill, Hudson, Hurley, Huskey, Kelley, Kent, Lowe, McAfee, Miller, Montgomery, Nai-feh, Owen, Percy, Scruggs, Severance, Shockley, Small, Smith, Stafford, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson and Wood—44.

Representatives present and not voting were: Akard, Davis (Gibson), Robinson (Hamilton) and Yelton—4.

Mr. Copeland moved that Division No. 2 of Amendment No. 1 be adopted.

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Mr. Rhinehart moved that Division No. 2 of Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	46
Noes	48

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bivens, Burnett, Clark (Davidson), Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, Disspayne, Duer, Ellis, Henry (Blount), Henry (Roane), Hillis, Jared, Johnson, Jones, Kelley, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings, Whitson, Withers, Wix, Yelton and Mr. Speaker McWherter—46.

Representatives voting no were: Baker, Bewley, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Pickett), Dills, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Hudson, Hurley, Huskey, Kent, Kernell, McAfee, Miller, Montgomery, Naifeh, Owen, Percy, Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Wolfe, Wood and Work—48.

Mr. Carter moved that Division No. 2 of Amendment No. 1 be adopted, which motion prevailed by the following vote:

Ayes	52
Noes	43
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Crain, Davis (Gibson), Dills, Duncan, Gaia, Gill, Harrill, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Kernell, Lowe, McAfee, Miller, Montgomery, Naifeh, Owen, Percy, Richardson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Wood and Yelton—52.

Representatives voting no were: Bell (Knox), Bell (Wilson), Burnett, Clark (Davidson), Copeland, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Duer, Ellis, Ford, Frensley, Henry (Blount), Henry (Roane), Hillis, Jared, Jones, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Phillips, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings, Wheeler, Withers, Wix, Wolfe and Work—43.

Representative present and not voting was: Mr. Speaker McWherter—1.

Mr. McKinney moved the previous question, which motion failed by the following vote:

Ayes	44
Noes	47
Present and not voting	6

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Burnett, Clark (Davidson), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Gaia, Gill, Hillis, Jared, Jones, King (Washington), Lashlee, Love, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings, Starnes, Tanner, Withers, Wix, Wolfe and Work—44.

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Representatives voting no were: Bell (Knox), Bewley, Buck, Byrd, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Gibson), Davis (Pickett), Dills, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Johnson, Kelley, Kent, King (Shelby), Lowe, McAfee, Montgomery, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson and Wood—47.

Representatives present and not voting were: Bragg, Brewer, Kernell, Richardson, Yelton and Mr. Speaker McWherter—6.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 469 by deleting in the first paragraph of the amendatory language of Section 1 the words and figures "sixty thousand dollars (\$60,000)" and by substituting instead the words and figures "fifty thousand dollars (50,000)".

Mr. Lashlee moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	36
Present and not voting	1

Representative voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Burnett, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Ford, Gaia, Henry (Blount), Henry (Roane), Hillis, Jared, Johnson, Jones, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Smith, Spence, Stallings, Tanner, Webb, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—59.

Representatives voting no were: Baker, Bragg, Buck, Byrd, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Pickett), Dills, Duer, Duncan, Frensley, Gill, Harrill, Hudson, Hurley, Huskey, Kelley, Kent, Kernell, Lowe, Scruggs, Severance, Shirley, Shockley, Small, Stafford, Starnes, Sterling, Turner, Ussery, Wallace, Wheeler and Wood—36.

Representative present and not voting was: Robinson (Hamilton)—1.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 469 by deleting in their entirety the second, third, fourth, and fifth paragraphs of the amendatory language of Section 1.

Mr. Rhinehart moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	62
Noes	35

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bewley, Brewer, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Duncan, Ellis, Gill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington),

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Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Smith, Spence, Stallings, Starnes, Tanner, Webb, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—62.

Representatives voting no were: Akard, Baker, Bivens, Bragg, Buck, Byrd, Carter, Chiles, Copeland, Crain, Davis (Pickett), Dills, Duer, Ford, Frensley, Gaia, Harrill, Hudson, Huskey, Kelley, Kent, Lowe, McAfee, Scruggs, Severance, Shirley, Shockley, Small, Stafford, Sterling, Turner, Ussery, Wallace, Wheeler and Wood—35.

Thereupon, Senate Bill No. 469, as amended, passed its third and final consideration by the following vote:

Ayes	78
Noes	17
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Ussery, Webb, Whitson, Withers, Wix, Wolfe, Yelton and Mr. Speaker McWherter—78.

Representatives voting no were: Bragg, Byrd, Carter, Chiles, Crain, Dills, Duer, Hudson, Huskey, Kent, Scruggs, Severance, Small, Wallace, Wheeler, Wood and Work—17.

Representatives present and not voting were: Sterling and Turner—2.

A motion to reconsider was tabled.

EXPLANATION OF VOTE

I voted aye on Senate Bill No. 469 (HB 295) because I thought, after amendments, that the bill was a fair compromise. That, plus the fact that a number of affected judges are, or almost ready, for retirement and a lesser salary would expedite their retirement. This would mean paying the higher salary to replacements, as well as the retirement benefits to those who decide to conclude their service.

However, after studying the bill in its final form, I feel that we could have acted in a more responsible fashion. And if I had the opportunity to vote again, I probably would vote no.

Bill McAfee

House Bill No. 857—To require certain approval adjutant General.

Mr. McKinney moved that House Bill No. 857 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes	20

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—75.

Representatives voting no were: Byrd, Carter, Chiles, Clark (Sumner), Duer, Ford, Frensey, Henry (Roane), Hudson, Huskey, Kent, McAfee, Robertson, Robinson (Washington), Scruggs, Severance, Stafford, Ussery, Whitson and Wood—20.

A motion to reconsider was tabled.

House Bill No. 249—To set fees for services, court clerks.

On motion, House Bill No. 249 was made to conform with Senate Bill No. 83.

On motion, Senate Bill No. 83, on same subject, was substituted for House Bill No. 249.

Mr. McKinney moved that Senate Bill No. 83 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

Representative present and not voting was: Frensey—1.

A motion to reconsider was tabled.

House Bill No. 939—To define equity participations, loan transactions.

Mr. Tanner moved that House Bill No. 939 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 939 by deleting from Sec. 1 the last four lines and substituting in lieu thereof the following:

exercising the right to receive a percentage of the rents, profits, revenues, sales or refinancing proceeds, or other similar assets represented by the borrower's enterprise or venture, as defined in the written agreement between the lender and the borrower.

On motion, the amendment was adopted.

Mr. Owen moved the previous question, which motion failed by the following vote:

Ayes	51
Noes	33
Present and not voting	5

Representatives voting aye were: Baker, Bell (Wilson), Bivens, Bragg, Burnett, Clark (Davidson), Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Gaia, Gill, Henry (Blount), Hillis, Hudson, Jared, Johnson, Jones, Kelley, King (Shelby), Lashlee, Lowe, McKinney, McNally, Miller, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Work and Yelton—51.

Representatives voting no were: Akard, Bell (Knox), Bewley, Buck, Byrd, Clark (Sumner), Crain, Duer, Duncan, Ford, Frensley, Harrill, Henry (Roane), Hurley, Huskey, Kent, King (Washington), Love, McAfee, Montgomery, Pruitt, Robertson, Scruggs, Shirley, Shockley, Small, Spence, Stafford, Sterling, Turner, Ussery, Wolfe and Wood—33.

Representatives present and not voting were: Cobb, Dills, Kernell, Murphy (Davidson) and Mr. Speaker McWherter—5.

Mr. Sterling moved the previous question, which motion failed by the following vote:

Ayes	58
Noes	30
Present and not voting	3

Representatives voting aye were: Baker, Bell (Wilson), Bivens, Bragg, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Ellis, Frensley, Gaia, Gill, Henry (Blount), Hillis, Hudson, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), Lashlee, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Stallings, Sterling, Tanner, Wallace, Wheeler, Wix, Work and Yelton—58.

Representatives voting no were: Akard, Bell (Knox), Bewley, Buck, Carter, Crain, DeBerry, Duer, Duncan, Ford, Harrill, Henry (Roane), Hurley, Huskey, King (Washington), McAfee, Montgomery, Pruitt, Robertson, Scruggs, Shirley, Small, Smith, Stafford, Turner, Ussery, Webb, Whitson, Wolfe and Wood—30.

Representatives present and not voting were: Cobb, Kernell and Mr. Speaker McWherter—3.

Mr. Bewley moved the previous question, which motion prevailed.

Thereupon, House Bill No. 939, as amended, passed its third and final consideration by the following vote:

Ayes	73
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Noes	18
Present and not voting	3

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Johnson, Kelley, Kent, King (Shelby), Lashlee, Lowe, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Yelton and Mr. Speaker McWherter—73.

Representatives voting no were: Akard, Buck, Crain, DePriest, Dills, Duncan, Harrill, Huskey, Kernell, King (Washington), Love, McAfee, Pruitt, Shirley, Stafford, Turner, Wolfe and Work—18.

Representatives present and not voting were: Brewer, Cobb and Jones—3.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 629—To regulate placement of children, Tennessee Preparatory School.

Mr. Kelley moved that House Bill No. 629 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

On motion, Senate Bill No. 219 was recalled from the Committee on Finance, Ways and Means.

House Bill No. 825—To regulate tax, recordation of transfers of realty.

On motion, House Bill No. 825 was made to conform with Senate Bill No. 219.

On motion, Senate Bill No. 219, on same subject, was substituted for House Bill No. 825.

Mr. Sterling moved that Senate Bill No. 219 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry, (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative present and not voting was: DeBerry—1.

A motion to reconsider was tabled.

House Bill No. 708—To define authority, commissioner of public health.

On motion, House Bill No. 708 was made to conform with Senate Bill No. 662.

On motion, Senate Bill No. 662, on same subject, was substituted for House Bill No. 708.

Mr. McNally moved that Senate Bill No. 662 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 662 by deleting the word “may” and substituting the word “shall” in the fourth sentence of the amendatory language of subsection b of Sec 1 of the bill.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 662, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

Representative present and not voting was: DePriest—1.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 85

House Bill No. 85—To amend Section 2-19-116, Code.

Ms. Gaia moved that House Bill No. 85 be passed on third and final consideration.

Mr. Ellis moved that Amendment No. 2 be withdrawn, which motion prevailed.

Ms. Gaia moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 85 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, 2-19-116, is amended by adding the following sentence to the end of the section:

Any person or persons violating the provisions of this section shall, upon conviction, be confined in the county jail or workhouse for a period of not less than thirty (30) days.

Amendment No. 3 was adopted by the following vote:

Ayes	57
Noes	28
Present and not voting	5

Representatives voting aye were: Bell (Wilson), Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Henry (Roane), Hillis, Hudson, Jared, Kent, Kernell, Lashlee, Love, Lowe, McAfee, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Severance, Small, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—57.

Representatives voting no were: Akard, Baker, Bewley, Chiles, Duer, Ford, Frensley, Harrill, Henry (Blount), Hurley, Huskey, Johnson, Jones, Kelley, King (Shelby), King (Washington), Montgomery, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Smith, Stafford, Tanner, Wallace, Webb and Withers—28.

Representatives present and not voting were: Davis (Hamilton), Duncan, Miller, Richardson and Shockley—5.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 85 be adding:

The provisions of this act shall apply only to counties having a population of more than 600,000 according to the federal census of 1970 or any subsequent census.

Ms. DeBerry moved that the Amendment No. 4 be tabled, which motion failed by the

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following vote:

Ayes	43
Noes	48
Present and not voting	2

Representatives voting aye were: Bell (Wilson), Bragg, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Covington, Davis (Hamilton), DeBerry, DePriest, Disspayne, Duer, Ellis, Gaia, Gill, Hillis, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Pickering, Robinson (Hamilton), Severance, Small, Spence, Sterling, Turner, Withers, Wix, Wolfe, Work and Yelton—43.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Carter, Chiles, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Lashlee, McAfee, Miller, Montgomery, Naifeh, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Whitson and Wood—48.

Representatives present and not voting were: Wheeler and Mr. Speaker McWherter—2.

Mr. Tanner moved the previous question on the amendment, which motion prevailed by the following vote:

Ayes	60
Noes	27
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Carter, Chiles, Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hurley, Huskey, Jared, Johnson, Jones, Kelley, Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Tanner, Wallace, Webb, Wheeler, Whitson, Wix and Wood—60.

Representatives voting no were: Bell (Knox), Buck, Byrd, Clark (Sumner), Duer, Gaia, Gill, Hillis, Kent, Kernell, King (Shelby), King (Washington), Lowe, Murphy (Davidson), Murphy (Shelby), Owen, Phillips, Severance, Shirley, Spence, Sterling, Turner, Ussery, Withers, Wolfe, Work and Yelton—27.

Representatives present and not voting were: Hudson and Mr. Speaker McWherter—2.

Thereupon, Amendment No. 4 was adopted by the following vote:

Ayes	49
Noes	42
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Byrd, Chiles, Copeland, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hurley, Huskey, Jared, Johnson, Kelley, Lashlee, McAfee, McKinney, Miller, Montgomery, Naifeh, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Wallace, Webb, Whitson and Wood—49.

Representatives voting no were: Bell (Wilson), Bragg, Buck, Burnett, Carter, Clark (Sumner), Cobb, Covington, Davidson, DePriest, Duer, Ellis, Gaia, Gill, Hillis, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Pickering, Severance, Shirley, Small, Spence, Sterling, Turner, Ussery, Withers, Wix, Wolfe, Work and Yelton—42.

Representatives present and not voting were: Hudson and Wheeler—2.

Mr. Johnson moved the previous question, which motion failed by the following vote:

Ayes	40
Noes	52

Representatives voting aye were: Akard, Baker, Bewley, Chiles, Clark (Davidson), Crain, Davis (Gibson), Davis (Hamilton), Dills, Duncan, Ellis, Ford, Frensey, Harrill, Henry (Blount), Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, McAfee, Naifeh, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Starnes, Tanner, Wallace, Webb and Wood—40.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Covington, Davidson, Davis (Pickett), DeBerry, DePriest, Dispayne, Duer, Gaia, Gill, Henry (Roane), Hillis, Jones, Kent, Kernell, King (Shelby), Love, Lowe, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Pickering, Robertson, Severance, Shirley, Small, Spence, Sterling, Turner, Ussery, Wheeler, Whitson, Withers, Wix, Wolfe, Work and Yelton—52.

The Speaker requested that Messrs. Tanner and Withers explain the intent of their amendments.

Mr. Tanner delineated Amendment No. 4 would make the bill apply only to Shelby County.

Mr. Withers delineated Amendment No. 5 takes Shelby County out of bill.

The Speaker ruled that no present county would be applicable unless census figures in future “grew” into the bill.

The Speaker stated that as he understood the Amendments, if Amendment No. 5 was adopted, the bill would not apply to any county in the state.

Mr. Withers moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 85 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall not apply in any county having a population of:

more than

600,000

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according to the 1970 federal census of population or any subsequent federal census of population.

Ms. Gaia moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	23
Present and not voting	18

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DePriest, Ellis, Gaia, Gill, Harrill, Henry (Roane), Hudson, Jared, Kent, Kernell, King (Washington), Lashlee, Lowe, McNally, Murray, Owen, Percy, Phillips, Pickering, Richardson, Severance, Small, Spence, Stallings, Sterling, Tanner, Ussery, Webb, Wheeler, Whitson, Wix Work and Yelton—49.

Representatives voting no were: Baker, Bell (Knox), Davis (Pickett), DeBerry, Duer, Hillis, Hurley, Huskey, Johnson, Jones, Kelley, King (Shelby), Love, Montgomery, Murphy (Shelby), Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Wallace and Withers—23.

Representatives present and not voting were: Chiles, Davis (Hamilton), Duncan, Ford, Frensley, Henry (Blount), McKinney, Miller, Murphy (Davidson), Naifeh, Robertson, Shockley, Smith, Stafford, Starnes, Wolfe, Wood and Mr. Speaker McWherter—18.

Mr. Bewley moved that House Bill No. 85 be re-referred to the Committee on State and Local Government.

Mr. Sterling moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	52
Noes	30
Present and not voting	12

Representatives voting aye were: Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Ellis, Ford, Gaia, Gill, Henry (Roane), Hudson, Hurley, Huskey, Jared, Kent, Kernell, Lowe, Miller, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Severance, Shirley, Shockley, Small, Spence, Stafford, Sterling, Tanner, Turner, Ussery, Wheeler, Whitson, Wix, Work and Yelton—52.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bewley, Brewer, Chiles, DeBerry, Duncan, Harrill, Hillis, Johnson, Jones, Kelley, King (Shelby), King (Washington), Lashlee, McAfee, McKinney, Montgomery, Murphy (Shelby), Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stallings, Wallace, Webb, Withers and Wood—30.

Representatives present and not voting were: Bell (Knox), Frensley, Henry (Blount), Love, McNally, Naifeh, Percy, Richardson, Robertson, Starnes, Wolfe and Mr. Speaker McWherter—12.

Mr. McKinney moved that House Bill No. 85 be placed on the Calendar for Wednesday, April 15, 1981, which motion prevailed.

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House Bill No. 503—To make certain requirements, Board of Barber Examiners.

On motion, House Bill No. 503 was made to conform with Senate Bill No. 375.

On motion, Senate Bill No. 375, on same subject, was substituted for House Bill No. 503.

Mr. Covington moved that Senate Bill No. 375 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative voting no was: McAfee—1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 100—Relative to proclaiming “Hammond Fowler Day”; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Ms. Duer moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 100 out of order, which motion prevailed.

Senate Joint Resolution No. 100—Relative to proclaiming “Hammond Fowler Day”.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Duer, the resolution was concurred in.

A motion to reconsider was tabled.

House Bill No. 353—To provide standards of behavior and discipline, public schools.

Mr. Wood moved that House Bill No. 353 be passed on third and final consideration.

Mr. Wood moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 353 in Section 1, subsection (a) by deleting the words “compre-

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hensive and uniform” and in subsection (b) by deleting the words “in clear and explicit terms”.

AND FURTHER AMEND in Section 1 by adding at the end thereof the following:

(f) Section 49-9-305. The governing body of each local education agency shall adopt a code of discipline and behavior not later than September 1, 1982. If a governing body already has a code in effect, it may readopt that code before September 1, 1982, to comply with this act. In formulating a code, the governing body of each local education agency shall conduct at least one public hearing to secure the comments of students, teachers, and other members of the committee in relation to such code. The public hearing may be held as part of a regular board meeting or separately, as the governing body deems more desirable.

(g) Section 49-9-305. When a code of discipline and behavior has been adopted by the governing body of a local educational agency, a copy of the applicable code shall be posted at each school under that governing body’s jurisdiction as notice to the students, teachers, and administrative staff of their duties and responsibilities.

On motion, the amendment was adopted.

Thereupon, House Bill No. 353, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frenshley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative voting no was: Dills—1.

A motion to reconsider was tabled.

House Bill No. 70—To direct erection of sign to Joelton, I-24.

On motion, House Bill No. 70 was made to conform with Senate Bill No. 105.

On motion, Senate Bill No. 105, on same subject, was substituted for House Bill No. 70.

Mr. Clark (Sumner) moved that Senate Bill No. 105 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark

(Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 891—To exempt certain property from taxation.

Mr. Starnes moved that House Bill No. 891 be passed on third and final consideration.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 891 by inserting the words and figure “no more than three (3) acres of” between the words “and” and “its” in Section 1.

On motion, the amendment was adopted.

Thereupon, House Bill No. 891, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

On motion, Senate Bill No. 221 was recalled from the Committee on Finance, Ways and Means.

House Bill No. 582—To amend Section 12-2-112, Code.

On motion, House Bill No. 582 was made to conform with Senate Bill No. 221.

On motion, Senate Bill No. 221, on same subject, was substituted for House Bill No. 582.

Mr. Scruggs moved that Senate Bill No. 221 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 221 by adding the following additional sections to be numbered appropriately:

SECTION . Tennessee Code Annotated, Section 12-2-112, is amended by deleting from subdivision (2) of that section the language “wholly disconnected from state government or any other legal governmental entity” and substituting the language “wholly disconnected from state government or any other legal governmental entity except as may otherwise be determined by the state building commission”.

SECTION . Tennessee Code Annotated, Section 12-2-112, is amended by adding to that section the following language to be designated as a new subdivision (4) and renumbering existing subdivisions appropriately:

All interests in real property other than the fee interest, including, but not limited to, leases, easements and rights-of-way, shall be disposed of in accordance with policies established by the state building commission, including advertisement and appraisal where deemed appropriate by the state building commission.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 221 by deleting the quotation marks at the end of Section 1, and adding the following:

and any interest or rights in minerals, coal, natural gas, oil, timber, and any other energy related resources shall not be conveyed”

AND FURTHER AMEND by deleting the last word and quotation marks at the end of Sections 2 and 3 and adding the following:

and to any conveyance of any interest or rights in minerals, coal, natural gas, oil, timber, and any other energy related resources, such”

AND FURTHER AMEND by adding the following language at the end of the amendatory language which adds a new subdivision, designated as new subdivision (4) to Tennessee Code Annotated, Section 12-2-112:

Provided, however, this subdivision shall not apply to the disposal or conveyance in any manner of any interest or rights in minerals, coal, natural gas, oil, timber, and any other energy related resources; provided, that, the commission shall have authority to promulgate rules and regulations over such disposal or conveyances pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 221 by adding the following new section immediately preceding

the last section and by renumbering the last section accordingly:

SECTION—. Tennessee Code Annotated, Section 12-2-112, is amended by adding the following new item:

() If such property was originally acquired by the department of transportation for rights-of-way for the interstate and defense highway system, the owner from whom such property was purchased or his heirs shall be given the right of first refusal at a price based upon the current appraised market value of such property prior to disposal as otherwise provided in this chapter.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 221, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

Representatives present and not voting were: Buck and DeBerry—2.

A motion to reconsider was tabled.

House Bill No. 987—To regulate local administration of education.

Mr. Robinson (Washington) moved that House Bill No. 987 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 987 by deleting Sections 1 and 2 in their entirety and substituting instead the following new sections:

Section 1. Tennessee Code Annotated, Section 49-208, is amended by designating the present language subsection (a) and by adding the following new subsection (b):

(b) In each county, there shall be a county board of education composed of five (5), seven (7) or nine (9) members. The members shall be residents of and elected from districts of equal population by the qualified voters of that district. The election shall be held at the regular August election, beginning in 1982. Members shall be elected to a term of four (4) years; provided, however, to implement a system of staggered terms, persons elected in the August regular election of 1982

shall be elected to a term of four (4) years, if running from an odd-numbered district and a term of two (2) years, if running from an even-numbered district; thereafter each member shall be elected to a full four (4) year term. Members elected at the regular August election shall take office on September 1st following their elections. Vacancies occurring on the board shall be filled by the county legislative body until the next regular August election when a person shall be elected from that district to serve the remainder of the unexpired term, if any. Notwithstanding the provisions of any private or general law to the contrary, the county legislative body of each county shall be responsible for establishing school districts of equal population from which members of the county board are to be elected. After each federal decennial census, the county legislative body shall adjust school districts to conform to the principal of one-man-one-vote. If the county legislative body determines as a result of the 1980 federal census of population, or any subsequent federal census, that the population discrepancy between such districts is greater than five percent (5%) such districts shall be presumed in violation of the one-man-one-vote rule. Such reapportionment shall be accomplished by January 1st of the year in which the first regular August election following release of census information is to be held, and members elected at that election shall be elected from the reapportioned districts.

All members of the school board shall be elected at the next general election following the reapportionment. The terms of newly elected members shall be the same as the previous members. Provided, however, if the school board members have staggered terms, the newly elected members shall serve for the unexpired term of the district having the same number or designation prior to reapportionment, or for the unexpired term of a district designated by the county legislative body as being the equivalent district.

The provisions of this subsection shall apply to the following counties having the following populations according to the 1970 federal census of population, or any subsequent federal census:

not less than 73,900 nor more than 74,000

Section 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of any county to which it may apply. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified by him to the secretary of state.

Section 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

On motion, the amendment was adopted.

Thereupon, House Bill No. 987, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington),

Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Mr. Lashlee moved that House Bill No. 9 be placed on the Calendar for Wednesday, April 8, 1981, which motion prevailed.

Ms. DeBerry moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 99 out of order, which motion prevailed.

Senate Joint Resolution No. 99—Relative to congratulating Coach Cornelius Ridley and boys basketball team.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. DeBerry, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Hudson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 160 out of order, which motion prevailed.

House Joint Resolution No. 160—Relative to memory, A. Gaines Morton—By Hudson, Scruggs, Bell (Knox), Severance, Smith, Owen and Miller.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hudson, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 154—Relative to creating study committee, judicial system—By McKinney and Bragg.

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The Speaker referred House Joint Resolution No. 154 to the Committee on Calendar and Rules.

House Joint Resolution No. 155—Relative to honoring Mike Hammond—By Bell (Knox), Scruggs, Smith, Miller, Severance, Owen, Hudson, Henry (Blount) and Huskey.

Under the rules, House Joint Resolution No. 155 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 156—Relative to declaring “Special Olympics Day”—By McNally.

The Speaker referred House Joint Resolution No. 156 to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1257—To make certain provisions, Bledsoe County general hospital—By Rhinehart.

Passed first consideration.

House Bill No. 1258—To amend Charter Kenton—By Tanner.

Passed first consideration.

House Bill No. 1259—To amend Charter, Parrottsville—By Ford and Bewley.

Passed first consideration.

House Bill No. 1260—To create special juvenile court, Gibson County—By Davis (Gibson), Dills and Tanner.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 558—To regulate proceedings, Alcoholic Beverage Commission.

Passed first consideration.

Senate Bill No. 560—To amend Section 47-4-203 (h), Code.

Passed first consideration.

Senate Bill No. 566—To amend Title 12, Chapter 2, Code.

Passed first consideration.

Senate Bill No. 574—To amend Section 2706, Title 67, Code.

Passed first consideration.

Senate Bill No. 833—To provide proceeds, humane treatment, animals.

Passed first consideration.

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Senate Bill No. 1243—To issue special license plates, Probate Court judges, certain counties.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 331—To regulate certain fee, general contractor license.

Passed second consideration and referred to Committee on State and Local Government.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1254—To regulate Milan Special School District.

Passed second consideration and held without reference.

House Bill No. 1255—To regulate sessions court, Loudon County.

Passed second consideration and held without reference.

House Bill No. 1256—To amend Section 51-425, Code.

Passed second consideration and referred to Committee on Conservation and Environment.

STANDING COMMITTEE REPORTS

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 445, 815 (with amendment) and 827.

MURRAY, *Chairman.*

Under the rules, House Bills Nos. 445, 815 and 827 were transmitted to the Committee on Calendar and Rules.

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 723 (with amendment), 724, 725, 727 (with amendment), 728 and 729; and Senate Joint Resolutions Nos. 41, 50, 53 and 54 and further recommend that pursuant to House Rule No. 70, House Bills Nos. 724, 725 and 727 (with amendment) be referred to the Committee on Finance, Ways and Means.

HILLIS, *Chairman.*

Under the rules, House Bills Nos. 723, 728, 729; and Senate Joint Resolutions Nos. 41, 50, 53 and 54 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 724, 725 and 727 (with amendment) to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have

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carefully considered and recommend for passage: House Bill No. 118; and House Joint Resolutions Nos. 88 and 99 and further recommend that pursuant to House Rule No. 70, House Bill No. 118 and House Joint Resolutions Nos. 88 and 99 be referred to the Committee on Finance, Ways and Means.

LASHLEE, Chairman.

Under the rules, House Bill No. 118 and House Joint Resolutions Nos. 88 and 99 were transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means beg leave to report that we have carefully considered and recommend for passage: House Bills Nos. 251, 315, 532, 709, 945 (with amendment) and 1019.

BRAGG, Chairman.

Under the rules, House Bills Nos. 251, 315, 532, 709, 945 and 1019 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 307, 633, 635 (with amendment), 1110, 1178 and House Joint Resolution No. 100 and further recommend that pursuant to House Rule No. 70, House Bill Nos. 307 and 1178 be referred to the Committee on Finance, Ways and Means.

STARNES, Chairman.

Under the rules, House Bills Nos. 633, 635, 1110 and House Joint No. 100 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill Nos. 307 and 1178 to the Committee on Finance, Ways and Means.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1147 (with amendment).

DAVIS (Hamilton), Chairman.

The Speaker referred House Bill No. 1147 to the Committee on State and Local Government.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 134, 279, 443, 760, 843, 958, 1129 and 1172.

MURPHY (Shelby), Chairman.

Under the rules, House Bills Nos. 134, 279, 443, 760, 843, 958, 1129 and 1172 were transmitted to the Committee on Calendar and Rules.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 478, 656 (with amendment), 665, 928, 929, 930, 993, 1073, 1087, 1095, 1098, 1100, 1105, 1106, 1130, 1174 (with amendment) and 1234 (with amendment); and Senate Joint Resolution No. 61 and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1073 and 1087 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 478, 656, 665, 928, 929, 930, 993, 1095, 1098, 1100, 1105, 1106, 1130, 1174 and 1234; and Senate Joint Resolution No. 61 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 1073 and 1087 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 568, 1112 (with amendment) and 1143 (with amendment) and further recommend that pursuant to House Rule No. 70, House Bills Nos. 568 and 1112 (with amendment) be referred to the Committee on Finance, Ways and Means.

ROBINSON (Davidson), Chairman.

Under the rules, House Bill No. 1143 was transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 568 and 1112 to the Committee on Finance, Ways and Means.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 2, 1981: House Bills Nos. 594, 1026, 752, 612, 1027, 557, 341, 301, 54, 1035, 759, 1028, 454, 452, 690, 1061, 603, 984, 664, 1145, and House Joint Resolution No. 69.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 161; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

161—Relative to expressing sorrow, death of William L. Jones; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

8—To create juvenile court, Rhea County;

418—To amend Chapter 574, Private Acts, 1939;

433—To amend Section 8-35-116, Code;

841—To provide compensation, certain state employees;

885—To impose certain privilege taxes, Putnam County;

1228—To provide for election, Mayor and Aldermen, Jellico;

1232—To regulate powers and duties, city judge, Tullahoma;

1235—To amend Chapter 190, Private Acts, 1975;

1236—To regulate powers, Purchasing Agent, Monroe County;

1238—To change boundaries, hospital district, Franklin County;

1241—To regulate Board of Education, Marion County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 613, 629, 734, 772, 857, 939, 953; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 161; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 161

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 161; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 161; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 353, 891 and 987; and House Joint Resolution No. 160; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

774—To amend Title 56, Chapter 7, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

939—To define equity participation, loan transactions; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having

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agreed to such addition:

House Bill No. 503—Wheeler, DePriest

House Bill No. 891—Baker, Kelley

House Joint Resolution No. 149—Hudson

House Joint Resolution No. 150—Hudson

House Joint Resolution No. 151—Hudson

On motion of Mr. Burnett the House adjourned until 11:15 a.m. tomorrow.